

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

RAINE PEASE,

Plaintiff,

-v.-

NEW YORK CITY POLICE
DEPARTMENT, and DEODAT
URPRASAD,

Defendants.

19 Civ. 7693 (KPF)

ORDER

KATHERINE POLK FAILLA, District Judge:

On August 16, 2019, Plaintiff Raine Pease filed a complaint, *pro se*, against Defendants New York City Police Department (“NYPD”) and Deodat Urprasad alleging employment discrimination on the basis of his race. (Dkt. #1). On August 20, 2019, the Court referred this case to the Court’s Mediation Program. (Dkt. #5). The Court also ordered the Clerk of Court to attempt to locate *pro bono* counsel to represent Plaintiff at the mediation. (*Id.*).

Plaintiff names the NYPD in his complaint, but the NYPD does not have the capacity to be sued. See N.Y. City Charter ch. 17 § 396. The Clerk of Court is hereby ORDERED to substitute the City of New York for the NYPD.

Further, since Plaintiff filed his complaint, he has not taken any actions to further prosecute his case. More than 90 days have passed since Plaintiff filed his complaint but the docket does not reflect any attempts by Plaintiff to serve either Defendant. Since the Court is ordering the substitution of the City of New York for the NYPD, the Court is hereby extending the time within which Plaintiff must serve the Defendants. Plaintiff is hereby ORDERED to serve the

City of New York and Defendant Urprasad on or before **December 31, 2019**.

Failure to serve the Defendants within this time period will result in the dismissal of Plaintiff's case for failure to prosecute.

Plaintiff is referred to Federal Rule of Civil Procedure 4 which governs serving defendants.

SO ORDERED.

Dated: November 25, 2019
New York, New York



KATHERINE POLK FAILLA
United States District Judge

A copy of this Order was mailed by Chambers to:

Raine Pease
690 Hungry Harbor Rd.
Valley Stream, NY 11581